

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

X

VIE LUXE INTERNATIONAL, LLC and  
MARJORIE GUBELMANN RAEIN

Plaintiffs,

Docket # 08 CV 5023 (LAP)

**AFFIDAVIT IN SUPPORT  
OF MOTION**

-against-

DANIEL BENEDICT

Defendant.

X

COUNTY OF NEW YORK )  
                          )  
                          ) ss.:  
STATE OF NEW YORK     )

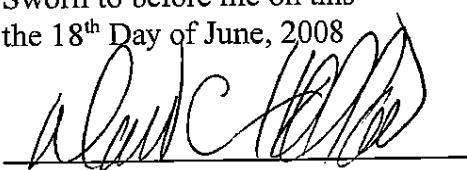
DANIEL BENEDICT, being duly sworn deposes and says under penalties of perjury:

1. I am the Defendant in the above captioned matter and as such I am fully familiar with the facts and circumstances of this case.
2. I have reviewed the annexed Affirmation In Support of Motion filed by my attorneys as well as the Memorandum of Law In Support of Pre-Answer Motion To Dismiss.
3. For the reasons stated in those submissions I make this Affidavit In Support of the motion and respectfully request that this Court dismiss the Third Cause of Action for lack of subject matter jurisdiction and/or failure to state a cause of action.
4. I further request that this Court decline to exercise its subject matter jurisdiction over the remaining state-based contract and tort claims that arise out of an ongoing employment dispute.



DANIEL BENEDICT

Sworn to before me on this  
the 18<sup>th</sup> Day of June, 2008



Notary Public

DAVID C. HOLLAND  
NOTARY PUBLIC, State of New York  
No. 02H05085544  
Qualified in New York County  
Commission Expires 9-29-2009

9/17/2010